IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

CRP.No. 757 of 2004()

AGAINST THE ORDER DATED 28/05/2004 IN IA 1937/2003 IN AS.224/2003 of SUB COURT,NEYYATTINKARA

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REVN. PETITIONERS: PETITIONERS: APPELLANTS

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1. LEKSHMI SANTHA, CHIRATHALAVILAKATHU KIZHAKKEKKARA VEEDU, THALAYAL DESOM, ATHIYANNOOR VILLAGE, BALARAMAPURAM, THIRUVANANTHAPURAM DISTRICT.

2. AMMU THAYIL OF DO. DO.

3. ANTONY MUTHU SUDHA OF DO. DO.

4. ANTONY MUTHU SASI OF DO. DO.

5. ANTONY MUTHU ASOKAN OF DO. DO.

6. THAYI SUMA OF DO. DO.

7. THAYI SUJA OF DO. DO.

8. THAYI SUNITHA OF DO. DO.

BY ADV. SRI.A.RAJASEKHARAN NAIR

RESPONDENT: COUNTER-PETITIONER-RESPONDENT

PONNU NADAR DIVAKARAN, CHIRATHALAVILA-KATHU VEEDU, THALAYAL DESOM, POWER OF ATTORNEY HOLDER OF MEERAN PILLAI HYDROSE, ROADARIKATHU VEEDU VEERANAKAVU DESOM AND VILLAGE, NEDUMANGADU.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON IA.1838/04 IN CRP.757/04

CLOSED

8.8.2007 SD/-PIUS C.KURIAKOSE, JUDGE

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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C.R.P.No.757 OF 2004

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DATED THIS THE 8th AUGUST, 2007

O R D E R

In this Civil Revision Petition, the petitioners who were the appellants in A.S.224 of 2003 impugn the order dated 28.5.2004 passed by the appellate court in I.A.No.1937 of 2003, a petition filed for stay in the appeal.

2. I do not find any jurisdictional infirmity about the impugned order. But I notice that when the C.R.P. came up for admission, this Court became inclined to grant stay on hearing a submission on behalf of the petitioners that the entire decree-debt is already paid off. Under these circumstances, this C.R.P. will stand disposed of issuing the following directions:-

The court which is presently executing the decree in O.S.No.907 of 2001 of the Munsiff's Court, Neyyattinkara will verify whether the claim of the petitioners that the entire decree-debt is paid off is correct. If on verification it is found that the claim is correct, the order of stay will continue till such time as A.S.No.224 of 2003 is disposed of by the Subordinate Judge's Court, Neyyattinkara. The Subordinate Judge is directed to dispose of A.S.No.224 of 2003, if the same is not already disposed of, within two months of receiving copy of this order.

tgl **(PIUS C.KURIAKOSE, JUDGE)**